



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/500,128

06/25/2004

James Surjan

P25,624A USA

7387

7590

02/11/2009

Joseph Posillico
Synnestvedt & Lechner
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER

SELLERS, ROBERT E

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

02/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,128	Applicant(s) SURJAN, JAMES	
	Examiner ROBERT SELLERS	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008 and 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The six-month period of suspension granted August 1, 2008 has expired.

The following is responsive to the amendment and arguments filed May 2, 2008.

1. The term "cyclohexane" is misspelled in the 1,4-cyclohexan-dimethanol diglycidyl ether of claim 35 according to page 8, line 2 of the specification.
2. The 35 U.S.C. 112, second paragraph, rejection has been resolved by the deletion of the term "amine" from the "amine curing agent" of claims 25-27.

The texts of the basis for non-statutory obviousness-type double patenting and section 103(a) of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed November 17, 2006.

3. Claims 20-31, 36 and 37 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Surjan et al. Patent Nos. 6,291,555 (claims 1-19); 6,403,678 (claims 1, 2 and 8-10) or 6,420,458 (claims 1-12 and 23-26) in view of Coleman et al. Patent No. 6,166,849 and Morgan et al. Patent No. 5,681,128.

Claims 32-25 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of the Surjan et al. Patents set forth hereinabove in view of Gienau et al. Patent No. 6,645,340 and Harman et al. Patent No. 5,962,602.

The rejections are maintained for the reasons of record set forth in the previous Office actions until the filing of a terminal disclaimer.

4. Claims 20-31, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surjan et al. '555, '678 and '458 and Surjan et al. Patent Nos. 6,402, 434 and 6,416,246 in view of Coleman et al. and Morgan et al.

Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the claims hereinabove, and further in view of Gienau et al. and Hartman et al.

The rejections are maintained for the reasons of record set forth in the previous Office actions.

5. Claims 20-31, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al., Morgan et al., Gienau et al., Hartman et al., European Patent No. 488,949; the Toussaint et al. article, Grieves et al. Patent No. 4,623,702 and Japanese Patent No. 2000-273354.

The rejection is maintained for the reasons of record set forth in the previous Office actions.

6. The arguments pertaining to each of the 35 U.S.C. 103(a) rejections maintained hereinabove challenges the predictability of combining the claimed plurality of aliphatic amines and at least one tertiary amine. Coleman et al. (col. 4, lines 65-66) indicates "a plurality of curing agents may be combined to cure a given resin" including aliphatic polyamines (col. 4, lines 40-41). Morgan et al. (col. 8, lines 9-10) discloses a combination of latent high temperature and latent intermediate curing agents.

Art Unit: 1796

It would have been obvious to employ a blend of the aliphatic amine curing agents of the Surjan et al. patents as taught by Coleman et al. and Morgan et al. in order to optimize the cure.

7. The Surjan et al. patents, Gienau et al., Hartman et al. and the Japanese patent set forth combinations of aliphatic amine and a tertiary amine. It would have been obvious to add a tertiary amine such as the 2,4,6-tri(dimethylaminomethyl)phenol of Hartman et al. to the compositions of Coleman et al. and Morgan et al. in order to increase the cure rate. The combination of aliphatic amines and tertiary amine is entirely predictable based on the equivalent utility of the references as aliphatic amine-cured epoxy resin adhesives.

8. No comparative evidence has been submitted in support of the allegation that the claimed curing agent combination yields unpredictable and superior results over that of the references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

(571) 272-1093 (Fax No. (571)-273-8300)
Monday to Friday, 9:30 to 6:00

/Robert Sellers/
Primary Examiner
Division 1796

rs
2/9/2009